

REMARKS

Applicants respectfully request reconsideration of the present application. Claim 14 has been amended. No new matter has been added.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

The Rejection under 35 U.S.C. § 112

The Examiner rejected claims 14-17, 29 and 30 under 35 U.S.C. § 112, second paragraph. Without admitting to the propriety of this indefiniteness rejection, Applicants have amended independent claim 14. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 112 has been overcome.

The Rejection under 35 U.S.C. § 102

The Examiner rejected independent claims 1, 8 and 22 under 35 U.S.C. § 102 based on U.S. Patent Publication No. 2003/0078959 of Yeung et al. (“Yeung”). Applicants respectfully disagree.

Claims 1 & 22

Yeung does not disclose or suggest the method of claim 1. Yeung relates to deployment of software onto servers. In particular, Yeung focuses on situations, in which a customer company develops new software on their development server, tests the developed software on a staging server, and if the test result is satisfactory, uploads it onto their production servers managed by a managed service provider (MSP) (Figs. 1& 4). In such situations, Yeung suggests

a more flexible deployment tool for deploying software onto the staging server or the production servers.

Contrary to the Examiner's assertion, paragraphs [007] & [0036] of Yeung fails to disclose or suggest "converting an *installation program* which is *in a form not formatted for streaming* into a streamable installation program which is in a form formatted for streaming, the installation program for installing a software application on a computer system," as recited in claim 1.

The installation packages in paragraph [007] are not an installation program for installing another software application on a computer system, but software itself in an *installable* format to be installed on a computer system. Paragraph [007] provides, "To install the software, it is first converted from its archived format into one or more installable packages."

Likewise, the files in paragraph [036] of Yeung are not an installation program. Paragraph [036] describes synchronization for loading a new code from the development server to the staging server. Using synchronization, the entire files of the new code do not have to be transmitted. Rather, only the differences, *i.e.*, "the files," in the source directory that are not in the destination directory, are streamed. Accordingly, the files contain a portion of the new code to be downloaded, and not an installation program.

Furthermore, Applicants respectfully disagree with the Examiner's assertion that "since the installation program is capable of streaming, there exists a conversion of the installation program in a form not formatted for streaming into a form formatted for streaming." No part of Yeung indicates that "the files" in paragraph [036] are a result from a conversion of files that are in a form *not* formatted for streaming. The fact that a file is streamed does not suggest that the file has been converted from a file in a form not formatted for streaming.

For at least the reasons discussed above, Applicants respectfully submit that the rejection with respect to claim 1 based on Yeung has been overcome.

Claim 22 contains similar, but not identical, limitations compared to the limitations of claim 1. Therefore, at least for the reasons stated above, Applicants respectfully submit that the rejection of claim 22 based on Yeung has been overcome.

Claims 2-7 and 23-26 depend, directly or indirectly, from either of claims 1 and 22, and thus, include the limitations set forth in their respective base claims. Therefore, at least for the reason discussed above, it is respectfully submitted that the rejection of claims 2-7 and 23-26 based on Yeung has been overcome.

Claim 8

In claim 8, using *only portions* (not all) of *an installation program* (installer), the client machine is configured to execute a software application (installation target), and using *only portions* (not all) of *the software application*, the software application is being executed. More specifically, claim 8 sets forth:

- (1) downloading only portions of an *installation program* to a client;
- (2) *using only the downloaded portions* of the installation program on the client to configure the client *to execute a software application*;
- (3) identifying portions of the *software application* that are to be download to the client;
- (4) downloading only the identified portions of the *software application* to the client; and
- (5) executing the *software application* on the client *using only the downloaded portions* of the software application.

No part of Yeung discloses or suggests such a method ~~in-of~~ claim 8. In particular, the cited paragraphs [007] & [036] of Yeung, as discussed above regarding claim 1, do not disclose or suggest any of the limitations recited in claim 8.

Therefore, Applicants respectfully submit that the rejection with respect to claim 8 based on Yeung has been overcome, ~~for at least this reason.~~

Claims 9 and 27-28 depend, directly or indirectly, from claim 8, and thus, include the limitations set forth in claim 8. Therefore, at least for the reason discussed above, it is respectfully submitted that the rejection of claims 9 and 27-28 based on Yeung has been overcome.

The Rejection under 35 U.S.C. § 103

The Examiner rejected independent claims 10 and 14 under 35 U.S.C. § 103(a) based on Yeung in view of U.S. Patent Publication No. 2003/0004882 of Holler et al. (“Holler”). Applicants respectfully disagree.

Claim 10

As discussed above regarding claim 1, Yeung does not disclose or suggest any pertinent features of claim 10, “converting an installation program which is in a standardized installation format that is not formatted for streaming into a form that enables streaming of the installation program to a target processing system, the installation program for use in installing a software application,” and “streaming the installation program to the target processing system to cause the target processing system to be configured for streaming execution of the software application.”

Holler does not fill the gap in Yeung. No part of Holler discloses or suggests, among other things, “converting an *installation program* which is in a *standardized installation format that is not formatted for streaming* into a form that enables streaming of the installation program to a target processing system, the installation program for use in installing a software application.”

Even assuming that “AppInstallBlock” in Holler is an installation program (although Applicants do not concede to this assumption), no part of Holler disclose or suggest that “AppInstallBlock” is a result of converting any *non-streamable* installation program by going through operations recited in claim 8. Rather, “AppInstallBlock” is a result of monitoring installation and execution of an application. (par. [0429] of Holler)

Thus, Applicants respectfully submit that the rejection with respect to claim 10 in view of Yeung and Holler has been overcome.

Claims 11 and 13 depend directly from claim 10, and thus, include the limitations set forth in claim 10. Therefore, at least for the reason discussed above, it is respectfully submitted that the rejection of claims 11 and 13 in view of Yeung and Holler has been overcome.

Claim 14

Claim 14 recites a method of creating a streamable installation packages, *i.e.*, an installer. More specifically, claim 14 sets forth:

- (1) inputting an installation package in a form *not formatted for streaming*;
- (2) identifying all the files in the installation package;
- (3) classifying each of the identified files according to file type;
- (4) creating multiple dummy files for the files that are classified to have a predetermined

file type;

- (5) creating a dummy installation image that includes the dummy files; and
- (6) creating a streamable installation package from the dummy installation image, which is in a form that can be executed on a target system in a streaming mode.

Yeung does not disclose or suggest any of operations (1) through (6), as recited in claim

14. Please note that the installation package of claim 1 is an installer, not an installation target to be installed on a computer system. On the other hand, the installation packages in paragraph [0007] and the files in paragraph [0036] of Yeung are software itself (installation target), not an installer.

Holler does not fill the gap in Yeung. No part of Holler, as well as the cited paragraphs [0173], [0428]-[0567], [0605] and Fig. 31, discloses or suggests any of operations (1) through (6), as recited in claim 14. “AppInstallBlock” and “Stream Enabled Application Install Black” in Holler are not a result of converting any *non-streamable* installation program by going through operations (1) through (6), but a result of monitoring installation and execution of an application as discussed above regarding claim 10.

If the Examiner decides to keep the position that Holler discloses the operations of (3) through (6), Applicants respectfully request that the Examiner provide specific references in Holler that correspond to features recited in claim 14..

Thus, Applicants respectfully submit that the rejection with respect to claim 14 in view of Yeung and Holler has been overcome.

Claims 15-17 and 29-30 depend, directly or indirectly, from claim 14, and thus, include the limitations set forth in claim 14. Therefore, at least for the reason discussed above, it is

respectfully submitted that the rejection of claims 15-17 and 29-30 in view of Yeung and Holler has been overcome.

Applicants, therefore, respectfully submit that the applicable rejections have been overcome.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
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Dated: February 29, 2008



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